Instructions Given to the Ministers of the United States Appointed to Negotiate A Peace With Great Britain

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

COPIES OF THE INSTRUCTIONS

GIVEN

TO THE MINISTERS OF THE UNITED STATES

APPOINTED TO

NEGOTIATE A PEACE WITH GREAT BRITAIN.

OCTOBER 14, 1814.

Read and referred to the committee of foreign relations.

WASHINGTON CITY:

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1814.

MESSAGE.

To the senate and house of
representatives of the United States:

I now transmit to congress copies of the instructions to the plenipotentiaries of the United States, charged with negotiating a peace with Great Britain, as referred to in my message of the 10th instant.

JAMES MADISON.

Washington, October 13th, 1814.

INSTRUCTIONS, &c.

Mr. Monroe to the plenipotentiaries of the United States for treating of peace with Great Britain, dated,

Department of state, April 15, 1813.

GENTLEMEN,

I had the honor, on the —— ult. to receive from Mr. Adams two letters, one bearing date the 30th September, and the other on the 17th October last, communicating the overture of the emperor of Russia, to promote peace by his friendly mediation between the United States and Great Britain. On the day following, Mr. Daschkoff, the Russian minister, made a similar communication to this department. The subject has, in consequence, been duly considered: and I have now to make known to you the result.

The president has not hesitated to accept the mediation of Russia, and he indulges a strong hope that it will produce the desired effect. It is not known that Great Britain has acceded to the proposition, but it is presumed that she will not decline it. The president thought it improper to postpone his decision until he should hear of that of the British government. Sincerely desirous of peace, he has been willing to avail himself of every opportunity which might tend to promote it on just and honorable conditions, and in accepting this overture he has been particularly gratified to evince, by the manner of it, the distinguished consideration which the United States entertain for the emperor Alexander. Should the British government accept the mediation, the negotiation to which it leads will be held at St. Petersburg.

The president commits it to you, for which a commission is enclosed, and he has appointed Mr. Harris secretary of the mission.

The impressment of our seamen, and illegal blockades, as exemplified more particularly in the orders in council, were the principal causes of the war. Had not Great Britain persevered obstinately in the violation of these important rights, the war would not have been declared It will cease as soon as these rights are respected. The proposition made by Mr. Russel to the British government immediately after the war, and the answer given by this department to admiral Warren's letter since, show the ground on which the United States were willing to adjust the controversy relative to impressment.

This has been further evinced by a report of the committee of foreign relations of the house of representatives, and an act of congress passed in consequence of that report. By these documents you will see that to accommodate this important difference, the United States are disposed to exclude British seamen altogether from the American service. This being effectually done, the British government can have no pretext for the practice. How shall it be done? By restraints to be imposed by each nation on the naturalization of the seamen of the other, excluding at the same time all others not naturalized—Or shall the right of each nation to naturalize the seamen of the other be prohibited, and each exclude from its service the natives of the other? Whatever the rule is it ought to be reciprocal. If Great Britain is allowed to naturalize American seamen, the United States should enjoy the same privilege. If it is demanded that the United States shall exclude from their service all native British subjects, a like

exclusion of American citizens from British service ought to be reciprocated. The mode also should be common to both countries. Each should be at liberty to give the same facilities, or be bound to impose the same restraints that the other does. The president is willing to agree to either alternative, and to carry it into effect by the most eligible regulations that can be devised.

If the first alternative is adopted, the extent of the proposed exclusion will depend on the impediments to naturalization, on the efficacy of the regulations to prevent imposition, and the fidelity of their execution. The greater the difficulty in acquiring the right of citizenship, the easier will it be to avoid imposition, and the more complete the desired exclusion. The law of the last session of congress relative to seamen, proves how sincerely desirous the legislative as well as executive branch of our government is, to adjust this controversy on conditions which may be satisfactory to Great Britain. By that law it is made indispensable for every British subject who may hereafter become a citizen, to reside five years without intermission within the United States, and so many guards are imposed to prevent frauds, that it seems to be impossible that they should be eluded. No British subject can be employed in a public or private ship of the United States, unless he produces to the commander in the one instance, and to the collector in the other, a certified copy of the act by which he became naturalized. A list of the crew, in the case of a private ship, must be taken, certified, and recorded by the collector, and the consuls or commercial agents of Great Britain may object to any seamen, and attend the investigation. The commander of a public ship receiving a person not duly qualified shall forfeit a thousand dollars, and

the commander or owner of a private ship, knowing thereof, five hundred dollars, to be recovered in an action of debt, one half to the informer, and one half to the United States. It is also made penal, punishable as a felony, by imprisonment and labor from three to five years, or by fine from five hundred to one thousand dollars, for any person to forge or counterfeit, or to pass or use any forged or counterfeited certificate of citizenship, or to sell or dispose of one.

It may fairly be presumed, that if this law should be carried into effect, it would exclude all British seamen from our service.

By requiring five years continued residence in the United States, as the condition of citizenship, few if any British seamen would ever take advantage of it. Such as had left Great Britain, and had resided five years in this country, would be likely to abandon the sea forever. And by making it the duty of the commanders of our public, and of the collectors, in the case of private ships, to require an authenticated copy from the clerk of the court, before which a British subject, who offered his service, had been naturalized, as indispensable to his admission, and highly penal in either to take a person not duly qualified, and by allowing also British agents to object to any one offering his service, and to prosecute by suit the commander or collector, as the case might be, for receiving an improper person, it seems to be impossible that such should be received.

If the second alternative is adopted, that is, if all native British subjects are to be hereafter excluded from our service, it is important that the stipulation providing for it should operate so as not to affect those who have been already naturalized. By our law all the rights of natives are

given to naturalized citizens. It is contended by some that these complete rights do not extend beyond the limits of the United States; that in naturalizing a foreigner, no state can absolve him from the obligation which he owes to his former government, and that he becomes a citizen in a qualified sense only. This doctrine, if true in any case, is less applicable to the United States than to any other power. Expatriation seems to be a natural right, and by the original character of our institutions, founded by compact, on principle, and particularly by the unqualified investment of the adopted citizen with the full rights of the native, all that the United States could do, to place him on the same footing, has been done. In point of interest, the object is of little importance to either party. The number to be affected by the stipulation is inconsiderable; nor can that be a cause of surprise, when the character of that class of men is considered. It rarely happens that a seaman who settles on a farm, or engages in a trade, and pursues it for any length of time, returns to sea. His youthful days are exhausted in his first occupation. He leaves it with regret, and adopts another, either in consequence of marriage, of disease, or as an asylum for age.

To a stipulation which shall operate prospectively only, the same objection does not apply. In naturalizing foreigners, the United States may prescribe the limit to which their privileges shall extend. If it is made a condition that no native British subject, who may hereafter become a citizen, shall be employed in our public or private ships, their exclusion will violate no right. Those who might become citizens afterwards would acquire the right subject to that condition, and would be bound by it. To such a stipulation the

president is willing to assent, although he would much prefer the alternative of restraints on naturalization; and to prevent frauds, and to carry the same fully into effect, you are authorised to apply all the restraints and checks, with the necessary modifications, to suit the case, that are provided in the act above recited, relative to seamen, for the purposes of that act.

In requiring that the stipulation to exclude British seamen from our service, with the regulations for carrying it into effect, be made reciprocal, the president desires that you make a provision, authorising the United States, if they should be so disposed, to dispense with the obligations imposed by it on American citizens. The liberal spirit of our government and laws, is unfriendly to restraints on our citizens, such at least as are imposed on British subjects, from becoming members of other societies. This has been shown in the law of the last session relative to seamen, to which your particular attention has been already drawn. This provision may likewise be reciprocated if desired.

The president is not particularly solicitous that either of these alternatives (making the proposed reservation in case the latter be,) should be preferred. To secure the United States against impressment he is willing to adopt either. He expects in return, that a clear and distinct provision shall be made against the practice. The precise form in which it may be done is not insisted on, provided the import is explicit. All that is required is, that in consideration of the act to be performed on the part of the United States, the British government shall stipulate in some adequate manner, to terminate or forbear the practice of impressment from American vessels.

It has been suggested as an expedient mode, for the adjustment of this controversy, that British cruisers should have a right to search our vessels for British seamen, but that the commanders thereof should be subjected to penalties, in case they made mistakes, and took from them American citizens. By this the British government would acquire the right of search for seamen, with that of impressing from our vessels the subjects of all other powers. It will not escape your attention, that by admitting the right, in any case, we give up the principle, and leave the door open to every kind of abuse. The same objection is applicable to any, and every other arrangement, which withholds the respect due to our flag by not allowing it to protect the crew, sailing under it.

If the first alternative should be adopted, it will follow, that none of the British seamen who may be in the United States at the time the treaty takes effect, and who shall not have become citizens, will be admitted into our service, until they acquire that right.

If the second is adopted, the number of native British seamen, who have been naturalized, and will be admissible into our service, will not, it is believed, exceed a few hundred; all others who may be in the United States at the time the treaty takes effect, or who may arrive afterwards, will be excluded.

As a necessary incident to an adjustment on the principle of either alternative, it is expected, that all American seamen who have been impressed, will be discharged, and that those who have been naturalized under the British laws, by compulsive service, will be permitted to withdraw.

I have to repeat, that the great object which you have to secure, in regard to impressment, is, that

our flag shall protect the crew; and, providing for this in a satisfactory manner, that you are authorised to secure Great Britain effectually against the employment of her seamen in the service of the United States. This it is believed would be done by the adoption of either of the above alternatives, and the application to that which may be adopted, of the checks contained in the law of the last session, relative to seamen; in aid of which, it will always be in the power of Great Britain to make regulations operating in her own ports, with a view to the same effect. To terminate, however, this controversy, in a manner satisfactory to both parties, the president is willing, should other checks be suggested as likely to be more effectual, consistent with the spirit of our constitution that you should adopt them. The strong feature of the first alternative, which authorises the naturalization of seamen, requires their continued residence in the United States for five years, as indispensable to the attainment of that right. In case this alternative be adopted, the president is willing, for example, to secure a compliance with that condition, to make it the duty of each alien, who may be desirous to become a citizen, to appear in court every year, for the term of five years, until his right shall be completed. This example is given, not as a limitation, but as an illustration of your power, for to the exclusion of British seamen from our service no repugnance is felt. To such exclusion the amicable adjustment of this controversy with Great Britain affords a strong motive, but not the only one. It is a growing sentiment in the United States, that they ought to depend on their own population for the supply of their ships of war, and merchant service. Experience has shown that it is an abundant resource. In expressing this sentiment, you will do it in a

manner to inspire, more fully, a confidence, that the arrangement which you may enter into, will be carried faithfully into effect, without derogating, however, from the conciliatory spirit of the accommodation.

A strong desire has heretofore been expressed by the British government, to obtain of the United States an arrangement to prevent the desertion of British seamen, when in our ports, and it cannot be doubted, that a stipulation to that effect would be highly satisfactory, as well as useful to Great Britain. It is fairly to be presumed, that it, alone, would afford to the British government a strong inducement to enter into a satisfactory arrangement of the difference relating to impressment. The claim is not inadmissible, especially as the United States have a reciprocal interest in the restoration of deserters from American vessels in British ports. You may therefore agree to an article, such as hath been heretofore authorised by the United States, which shall make it the duty of each party to deliver them up.

Of the right of the United States to be exempted from the degrading practice of impressment, so much has been already said, and with such ability, that it would be useless, especially to you, who are otherwise so well acquainted with it, to dilate on its merits. I must observe, however, that the practice is utterly repugnant to the law of nations; that it is supported by no treaty with any nation; that it was never acquiesced in by any; and that a submission to it by the United States would be the abandonment, in favor of Great Britain, of all claim to neutral rights and of all other rights on the ocean.

This practice is not founded on any belligerent right. The greatest extent to which the belligerent claim has been carried, over the vessels of neu-

tral nations, is, to board and take from them persons in the land and sea service of an enemy, contraband of war, and enemy's property. All nations agree respecting the two first articles, but there has been, and still exists, a diversity of opinion as to the last. On that and other questions of considerable importance, disputes have arisen which are yet unsettled. The empress Catharine, of Russia, a distinguished advocate of just principles, placed herself, in 1780, at the head of neutral nations, in favor of a liberal construction of their rights; and her successors have generally followed her example. In all the discussions on these topics, we find nothing of the British claim to impressment; no acknowledgment of it in any treaty, or proof of submission to it by any power. If instances have occurred, in which British cruisers have taken British seamen from the vessels of other nations, they were, as it is presumed, in cases either not acquiesced in, or of an extraordinary nature only, affording no countenance to their practice and pretension in relation to the United States. Cases of this kind, if such there be, afford no proof of a systematic claim in the British government to impressment, or of submission to it by other powers. This claim has been set up against the United States only, who have, in consequence thereof, been compelled to discuss its merits.

This claim is in fact traced to another source, the allegiance due by British subjects to their sovereign, and his right, by virtue thereof, to their service. This has been distinctly stated in a late declaration by the prince regent. Knowing the nature of the claim, we know also the extent of the right and obligations incident to it Allegiance is a political relation between a sovereign and

his people; it is the obligation which binds the latter in return for the protection which they receive. These reciprocal duties have the same limit, they are confined to the dominions of the sovereign, beyond which he has no rights, can afford no protection, and can of course claim no allegiance. A citizen or subject of one power, entering the dominions of another, owes allegiance to the latter in return for the protection he receives. Whether a sovereign has a right to claim the service of such of his subjects as have left his own dominions, is a question respecting which also a difference of opinion may exist. It is certain that no sovereign has a right to pursue his subjects into the territories of another, be the motive for it what it may; such an entry, without the consent of the other power, would be a violation of its territory and an act of hostility. Offenders, even conspirators, cannot be pursued by one power into the territory of another, nor are they delivered up by the latter, except in compliance with treaties or by favor. That the vessels of a nation are considered a part of its territory, with the exception of the belligerent right only, is a principle too well established to be brought into discussion. Each state has exclusive jurisdiction over its own vessels; its laws govern in them, and offences against those laws are punishable by its tribunals only. The flag of a nation protects every thing sailing under it in time of peace, and in time of war likewise, with the exception of the belligerent rights, growing out of the war. An entry on board the vessels of one power by the cruisers of another, in any other case, and the exercise of any other authority over them, is a violation of right, and an act of hostility.

The British government, aware of the truth of

this doctrine, has endeavored to avoid its consequences in the late declaration of the prince regent. It has not contended that British cruisers have a right to pursue and search our vessels for British seamen. It asserts only that they have a right to search them for other objects, and being on board for a lawful cause, and finding British seamen there, that they have a right to impress and bring them away under the claim of allegiance. When we see a systematic pursuit of our vessels by British cruisers, and the impressment of seamen from them, not at a port of the enemy where a regular blockade had been instituted, and by the blockading squadron, but in every part of the ocean, on our coast, and even in our harbors, it is difficult to believe that impressment is not the real motive, and the other the pretext for it. But to place this argument of the British government on the strongest ground, let it be admitted that the entry was lawful, is it so to commit an act not warranted by the purpose for which the entry was made? There is a levity in this argument which neither suits the parties nor the subject. The British government founds its right of impressment from our ships on that of allegiance, which is a permanent right, equally applicable to peace and war. The right of impressment, therefore, from the vessels of other powers must likewise be permanent, and equally applicable to peace and war. It would not, however, take this broad ground, lest the injustice and extravagance of the pretension might excite the astonishment and indignation of other powers, to whom it would be equally applicable. To claim it as a belligerent right would have been equally unjust and absurd, as no trace of it could be found in the belligerent code. The British government was, therefore, re-

duced to a very embarrassing dilemma. To acknowledge that it could not support the claim on either principle, would be to relinquish it, and yet it could rely on neither. It endeavored to draw some aid from both. A state of war exists which brings the parties together, Great Britain as a belligerent, and the United States as a neutral power. British officers have now a right to board and search American vessels, but for what? Persons in the service of an enemy, contraband of war, or enemy's property. This would not accomplish the end. It is, however, the utmost limit of the belligerent right. Allegiance, which is an attribute of sovereignty, comes to her aid and communicates all the necessary power; the national character of the neutral vessel ceases; the complete right of sovereignty and jurisdiction over it is transferred to Great Britain. It is on this foundation that the British government has raised this monstrous superstructure. It is with this kind of argument that it attempts to justify its practice of impressment from our vessels.

The remark contained in the declaration of the prince regent, that in impressing British seamen from American vessels, Great Britain exercised no right which she was not willing to acknowledge as appertaining equally to the government of the United States, with respect to American seamen in British merchant ships, proves only, that the British government is conscious of the injustice of the claim, and desirous of giving to it such aid as may be derived from a plausible argument. The semblance of equality, however, in this proposition, which strikes at first view, disappears on a fair examination. It is unfair, first, because it is impossible for the United States to take advantage of it. Impressment is not an American practice,

but utterly repugnant to our constitution and laws. In offering to reciprocate it, nothing was offered, as the British government well knew. It is unfair, secondly, because if impressment was allowable, a reciprocation of the practice would be no equivalent to the United States. The exercise of a right in common, at sea, by two nations, each over the vessels of the other, the one powerful and the other comparatively weak, would be, to put the latter completely at the mercy of the former. Great Britain, with her vast navy, would soon be the only party which made impressment The United States would be compelled to abstain from it, and either to submit to the British rule, with all the abuses incident to power, or to resist it. But should the United States be permitted to make impressment from British vessels, the effect would be unequal. Great Britain has, perhaps, thirty ships of war at sea, to one of the United States, and would profit of the arrangement in that proportion. Besides, impressment is a practice incident to war, in which view, likewise, the inequality is not less glaring, she being at least thirty years at war, to one of the United States. Other considerations prove that the British government made this acknowledgment merely as a pretext to justify its practice of impressment, without intending that the right or practice should ever be reciprocated. What would be the effect of its adoption by American ships of war with British merchant vessels? An American officer boards a British merchant vessel, and claims, as American citizens, whom he pleases. How many British seamen would disclaim a title which would take them to the United States, and secure them there all the advantages of citizenship? The rule of evidence, as the ground of impressment in every instance,

must likewise be reciprocated between the two governments. The acknowledgment of the men would surely be a better proof of their national character than the decision of a British officer who boarded an American vessel, however impartial he might be and strong his power of discrimination, when opposed by the voluntary and solemn declaration of the party. In this way we might draw from the British service the greater part, if not all their seamen. I might further ask, why was this acknowledgment made at this late period, for the first time only, after the declaration of war, and when on that account it could produce no effect? In the various discussions of this subject, in many of which it has been demanded whether the British government would tolerate such a practice from American ships of war, no such intimation was ever given.

If Great Britain had found the employment of her seamen in our service injurious to her, and been disposed to respect our rights, the regular course of proceeding would have been for her government to have complained to the government of the United States of the injury, and to have proposed a remedy. Had this been done, and no reasonable remedy been adopted, sound in principle and reciprocal in its operation, the British government might have had some cause of complaint, and some plea for taking the remedy into its own hands. Such a procedure would, at least, have given to its claim of impressment the greatest plausibility. We know that such complaint was never made, except in defence of the practice of impressment, and that in the mean time the practice has gone on, and grown into an usage, which, with all its abuses, had resistance been longer delayed, might have become a law. The origin and progress of

this usurpation afford strong illustrations of the British policy. The practice and the claim began together, soon after the close of our revolutionary war, and were applicable to deserters only. They extended next to all British seamen;—then to all British subjects, including, as in the case of emigrants from Ireland, persons who would not have been subject to impressment in British ports, not being seafaring men;—and, finally, to Swedes, Danes, and others, known to be not British subjects, and by their protections appearing to be naturalized citizens of the United States.

Other views may be taken of the subject, to show the unlawfulness and absurdity of the British claim. If British cruisers have a right to take British seamen from our vessels, without regarding the abuses inseparable from the practice, they may take from them, on the same principle, and with much greater reason, every species of property to which the British government has any kind of claim. Allegiance cannot give to a sovereign a better right to take his subjects than ownership to take his property. There would be no limit to this pretension or its consequences. All property forfeited by exportation, contrary to the laws of Great Britain, every article to which her sovereignty, jurisdiction, or ownership would extend, in British vessels, would be liable to seizure in those of the United States. The laws of England would be executory in them. Instead of being a part of the American, they would become a part of the British territory.

It might naturally be expected that Great Britain would have given, by her conduct, some support to her pretensions; that if she had not disclaimed altogether the principle of naturalization, she would at least have excluded from her service

foreign seamen. Her conduct, however, has been altogether at variance with her precepts. She has given great facility to naturalization, in all instances where it could advance her interest, and peculiar encouragement to that of foreign seamen. She naturalizes by special act of parliament. She naturalizes all persons who reside a certain term of years in British colonies; all those who are born of British subjects, in foreign dominions; and all seamen who have served a certain short term in the British service; and would doubtless protect all such as British subjects, if required by them so to do. Her governors of neighboring provinces are at this time compelling emigrants thither from the United States, to bear arms against the United States.

The mediation offered by Russia, presents to Great Britain, as well as to the United States, a fair opportunity of accommodating this controversy with honor. The interposition of so distinguished a power, friendly to both parties, could not be declined by either on just ground, especially by Great Britain, between whom and Russia there exists, at this time, a very interesting relation. When the British ministers are made acquainted at St. Petersburg with the conditions on which you are authorised to adjust this difference, it seems as if it would be impossible for Great Britain to decline them. Should she do it, still adhering to her former pretensions, her motive could not be misunderstood. The cause of the United States would thenceforward become the common cause of nations. A concession by them would operate to the disadvantage of every other power. They would all find, in the conduct of Great Britain, an unequivocal determination to destroy the rights of other flags, and to usurp the absolute dominion of

the ocean. It is to be presumed that the British government will find it neither for the honor or interest of Great Britain to push things to that extremity, but will have accepted this mediation, and have sent a minister or ministers to St. Petersburg, with full powers to adjust the controversy on fair and just conditions.

Should improper impressions have been taken of the probable consequences of the war, you will have ample means to remove them. It is certain, that from its prosecution, Great Britain can promise to herself no advantage, while she exposes herself to great expenses, and to the danger of still greater losses. The people of the United States, accustomed to the indulgence of a long peace, roused by the causes and the progress of the war, are rapidly acquiring military habits, and becoming a military people. Our knowledge in naval tactics has increased, as has our maritime strength. The gallantry and success of our little navy, have formed an epoch in naval history. The laurels which these brave men have gained, not for themselves alone, but for their country, from an enemy pre-eminent in naval exploits for ages past, are among the proudest boasts of their grateful and affectionate fellow citizens. Our manufactures have taken an astonishing growth. In short, in every circumstance in which the war is felt, its pressure tends evidently to unite our people, to draw out our resources, to invigorate our means, and to make us more truly an independent nation, and, as far as may be necessary, a great maritime power.

If the British government accepts the mediation of Russia, with a sincere desire to restore a good intelligence between the two countries, it may be presumed that a fair opportunity will be afforded for the arrangement of many other important interests,

with advantage to both parties. The adjustment of the controversy relating to impressment only, though very important, would leave much unfinished. Almost every neutral right has been violated, and its violation persisted in to the moment that war was declared The president sincerely desires, and it is doubtless for the interest of Great Britain, to prevent the like in future. The interposition of the emperor of Russia to promote an accommodation of these differences, is deemed particularly auspicious.

A strong hope is therefore entertained, that full powers will be given to the British commissioners to arrange all these grounds of controversy in a satisfactory manner. In entering on this interesting part of your duty, the first object which will claim your attention, is that of blockade. The violation of our neutral rights, by illegal blockades, carried to an enormous extent by orders in council, was a principal cause of the war. These orders, however, and with them the blockade of May, 1806, and, as is understood, all other illegal blockades, have been repealed, so that that cause of war has been removed. All that is now expected is, that the British government will unite in a more precise definition of blockade, and in this no difficulty is anticipated; for, having declared that no blockade would be legal which was not supported by an adequate force, and that the blockades which it might institute should be supported by an adequate force, there appears to be, according to the just interpretation of these terms, no difference of opinion on the subject.

The British government has recently, in two formal acts, given definitions of blockade, either of which would be satisfactory. The first is to be seen in a communication from Mr. Merry to this

department, bearing date on the 12th of April, 1804 The following are the circumstances attending it. Commodore Hood, the commander of a British squadron in the West Indies, in 1803, having declared the islands of Martinique and Gaudaloupe in a state of blockade, without applying an adequate force to maintain it, the secretary of state remonstrated against the illegality of the measure, which remonstrance was laid before the lords commissioners of the admiralty in England, who replied, "that they had sent orders not to consider any blockade of those islands as existing, unless in respect of particular ports, which might be actually invested, and then not to capture vessels, bound to such ports, unless they shall previously have been warned not to enter them." The second definition is to be found in a convention between Great Britain and Russia, in June 1801, 4th sec. 3d art. which declares, "that in order to determine what characterizes a blockaded port, that denomination is given only to a port where there is, by the disposition of the power which attacks it, with ships stationary or sufficiently near, an evident danger in entering." The president is willing for you to adopt either of these definitions, but prefers the first, as much more precise and determinate; and when it is considered that it was made the criterion by so formal an act, between the two governments, it cannot be presumed, that the British government will object to the renewal of it. Nothing is more natural after the differences which have taken place between the two countries, on this and other subjects, and the departure from this criterion by Great Britain, for reasons which are admitted by her no longer to exist, than that they should, on the restoration of a good understanding, recur to it again. Such a recurrence

would be the more satisfactory to the president, as it would afford a proof of a disposition in the British government, not simply to compromise a difference, but to re-establish sincere friendship between the two nations.

An interference with our commerce between enemy colonies and their parent country, was among the first violations of our neutral rights committed by Great Britain in the present war with France. It took place in 1805, did extensive injury, and produced universal excitement. In securing us against a repetition of it, you will attend to an article of the convention between Russia and Great Britain, entered into on the ——— day of ———, 1801; to the 11th article of the project of a treaty with Great Britain that was signed by Mr. Monroe and Mr. Pinkney, on the 31st of December, 1806; and to the instructions from this department relating to that article, of the 20th May, 1807. The capture by Great Britain, of almost all the islands of her enemies, diminishes the importance of any regulation of this subject; but as they may be restored by a treaty of peace, it merits particular attention: It being understood, however, that unless such a trade can be obtained in a proper extent, and without a relinquishment of the principle contended for by the United States, it will be best that the treaty be silent on the subject.

A disposition has been shown by the British government to extend this principle so far as to inhibit a trade to neutrals even between a power at peace with Great Britain and her enemy, as, for example, between China and France. The absurdity of this pretension may prevent its being hereafter advanced. It will not, however, be unworthy of your attention.

By an order of the British government in 1803, British cruisers were authorised to take neutral vessels laden with innocent articles, on their return from an enemy's port, on the pretence that they had carried to such port contraband of war. This order is directly repugnant to the law of nations, as the circumstance of having contraband articles on board bound to an enemy's port, is the only legal ground of seizure. The claim was relinquished by the British government in the 9th article of the project above recited; you will endeavor in like manner to provide against it. It is the practice of British cruisers to compel the commanders of neutral vessels which they meet at sea, either to board them in person with their papers, or to send their papers on board in their own boats by an officer. The injustice and irregularity of this procedure need not be mentioned. You will endeavor to suppress it in the manner proposed in the third article of a project communicated to Mr. Monroe at London in his instructions of the 5th January, 1804. You will endeavor likewise to restrict contraband of war, as much as in your power, to the list contained in the 4th article of that project.

The pretension of Great Britain to interdict the passage of neutral vessels with their cargoes from one port to another port of an enemy, is illegal and very injurious to the commerce of neutral powers. Still more unjustifiable is the attempt to interdict their passage from a port of one independent nation to that of another, on the pretence that they are both enemies. You will endeavor to obtain, in both instances, a security for the neutral right.

Upon the whole subject I have to observe, that your first duty will be to conclude a peace with

Great Britain, and that you are authorised to do it, in case you obtain a satisfactory stipulation against impressment, one which shall secure, under our flag, protection to the crew. The manner in which it may be done has been already stated, with the reciprocal stipulations which you may enter into, to secure Great Britain against the injury of which she complains. If this encroachment of Great Britain is not provided against, the United States have appealed to arms in vain. If your efforts to accomplish it should fail, all further negotiations will cease, and you will return home without delay. It is possible that some difficulty may occur, in arranging this article respecting its duration. To obviate this the president is willing that it be limited to the present war in Europe. Resting, as the United States do, on the solid ground of right, it is not presumable that Great Britain, especially after the advantage she may derive from the arrangement proposed, would ever revive her pretension. In forming any stipulation on this subject, you will be careful not to impair by it the right of the United States, or to sanction the principle of the British claim.

It is deemed highly important also, to obtain a definition of the neutral rights which I have brought to your view, especially of blockade, and in the manner suggested, but it is not to be made an indispensable condition of peace. After the repeal of the orders in council, and other illegal blockades, and the explanations attending it, it is not presumable that Great Britain will revive them. Should she do it, the United States will always have a corresponding resort in their own hands. You will observe in every case, in which you may not be able to obtain a satisfactory defini-

tion of the neutral right, that you enter into none respecting it.

Indemnity for losses seems to be a fair claim on the part of the United States, and the British government, if desirous to strengthen the relations of friendship, may be willing to make it. In bringing the claim into view, you will not let it defeat the primary objects entrusted to you. It is not perceived on what ground Great Britain can resist this claim, at least in the cases in favor of which she stands pledged. Of these a note will be added.

You are at liberty to stipulate in the proposed treaty, the same advantages in the ports of the United States, in favor of British ships of war, that may be allowed to those of the most favored nations This stipulation must be reciprocal.

No difficulty can arise from the case of the non importation act, which will doubtless be terminated in consequence of a pacification. Should any stipulation to that effect be required, or found advantageous, you are at liberty to enter into it. Should peace be made, you may, in fixing the periods at which it shall take effect, in different latitudes and distances, take, for the basis, the provisional articles of the treaty of peace with Great Britain, in 1782, with such alterations as may appear to be just and reasonable.

In discharging the duties of the trust committed to you, the president desires that you will manifest the highest degree of respect for the emperor of Russia, and confidence in the integrity and impartiality of his views. In arranging the question of impressment, and every question of neutral right, you will explain to his government, without reserve, the claims of the United States, with the ground on which they severally rest. It is not

doubted that from a conduct so frank and honorable, the most beneficial effect will result.

I shall conclude by remarking, that a strong hope is entertained that this friendly mediation of the emperor Alexander, will form an epoch in the relations between the United States and Russia, which will be extensively felt, and be long and eminently distinguished by the happy consequences attending it. Since 1780, Russia has been the pivot on which all questions of neutral right have essentially turned Most of the wars which have disturbed the world in modern times, have originated with Great Britain and France. These wars have affected distant countries, especially in their character as neutrals, and very materially the United States, who took no part in promoting them, and had no interest in the great objects of either power.

I have the honor to be, &c. &c.

(Signed) JAMES MONROE.

Extract of a letter from the secretary of state to the commissioners of the United States for treating of peace with Great Britain, dated

Department of state, June 23, 1813.

" An opportunity offering, I avail myself of it to explain more fully the views of the president on certain subjects already treated on in your instructions, and to communicate his sentiments on some others, not adverted to in them.

" The British government having repealed the orders in council and the blockade of May, 1806, and all other illegal blockades, and having declared that it would institute no blockade which should not be supported by an adequate force, it was thought better to leave that question on that ground, than to continue the war to obtain a more

precise definition of blockade, after the other essential cause of the war, that of impressment, should be removed. But when it is considered that a stipulated definition of blockade will cost Great Britain nothing after having thus recognised the principle, and that such definition is calculated to give additional confidence, in the future security of our commerce, it is expected that she will agree to it It is true, this cause of war being removed, the United States are under no obligation to continue it, for the want of such stipulated definition, more especially as they retain in their hands the remedy against any new violation of their rights, whenever made. The same remark is applicable to the case of impressment, for if the British government had issued orders to its cruisers not to impress seamen from our vessels, and notified the same to this government, that cause of war would also have been removed. In making peace it is better for both nations, that the controversy respecting the blockade, should be arranged by treaty, as well as that respecting impressment. The omission to arrange it may be productive of injury. Without a precise definition of blockade, improper pretensions might be set up on each side, respecting their rights, which might possibly hazard the future good understanding between the two countries.

"Should a restitution of territory be agreed on, it will be proper for you to make a provision for settling the boundary between the United States and Great Britain on the St. Lawrence and the lakes, from the point at which the line between them strikes the St. Lawrence, to the northwestern corner of the lake of the Woods, according to the principles of the treaty of peace. The settlement of this boundary is important, from the circum-

stance that there are several islands in the river and lakes, of some extent and great value, the dominion over which is claimed by both parties It may be an adviseable course to appoint commissioners on each side, with full powers to adjust, on fair and equitable considerations, this boundary. To enable you to adopt a suitable provision for the purpose, it will be proper for you to recur to the instructions heretofore given on the subject, published in the documents in your possession."

Mr. Monroe, secretary of state, to the plenipotentiaries of the United States, at St. Petersburg.

Department of state, Jan. 1, 1814.

GENTLEMEN,

I have not received a letter from you since your appointment to meet ministers from Great Britain, at St. Petersburg, to negotiate a treaty of peace, under the mediation of the emperor of Russia. This is doubtless owing to the miscarriage of your despatches.

The message of the president, of which I have the honor to transmit to you a copy, will make you acquainted with the progress of the war with Great Britain, to that period, and the other documents which are forwarded, will communicate what has since occurred.

Among the advantages attending our success in Upper Canada, was the important one of making capture of general Proctor's baggage, with all the public documents belonging to the British government in his possession. It is probable that these documents will be laid before congress, as they are of a nature highly interesting to the public. You will understand their true character by extracts of two letters from governor Cass, which are

enclosed to you. By these it appears that the British government has exercised its influence over the Indian tribes within our limits, as well as elsewhere, in peace, for hostile purposes towards the United States; and that the Indian barbarities, since the war, were, in many instances, known to, and sanctioned by, the British government.

I have the honor to be, &c. &c. &c.

(Signed) JAMES MONROE.

Mr. Monroe, secretary of state, to the plenipotentiaries of the United States, at St. Petersburg,

Department of state, Jan. 8, 1814.

GENTLEMEN,

I have the honor to transmit to you a copy of a letter from lord Castlereagh to this department, and of a note from lord Cathcart to the Russian government, with my reply to the communication.

The arrangement of a negotiation to be held at Gottenburg, directly between the United States and Great Britain, without the aid of the Russian mediation, makes it necessary that new commissions should be issued correspondent with it, and for this purpose that a new nomination should be made to the senate. The president instructs me to inform you, that you will both be included in it, and that he wishes you to repair, immediately on the receipt of this, to the appointed rendezvous. It is probable that the business may not be limited to yourselves on account of the great interests involved in the result The commissions and instructions will be duly forwarded to you, as soon as the arrangements shall be finally made.

In taking leave of the Russian government, you will be careful to make known to it the sensibility

of the president to the friendly disposition of the emperor, manifested by the offer of his mediation; the regret felt at its rejection by the British government; and a desire that, in future, the greatest confidence and cordiality, and the best understanding may prevail between the two governments

I have the honor to be, &c. &c. &c.

(Signed) JAMES MONROE.

Mr. Monroe, secretary of state, to the American plenipotentiaries at Gottenburg.

Department of state, Jan. 28, 1814.

GENTLEMEN,

The British government having declined the Russian mediation, and proposed to treat directly with the United States, the president has, on due consideration, thought proper to accept the overture. To give effect to this arrangement, it was necessary that a new commission should be formed, and for that purpose that a new nomination should be made to the senate, by whose advice and consent this important trust is committed to you.

You will consider the instructions given to the commission to treat under the mediation of Russia, as applicable to the negotiation with which you are now charged, except as they may be modified by this letter.

I shall call your attention to the most important grounds of the controversy with Great Britain only, and make such remarks on each, and on the whole subject, as have occurred since the date of the former instructions, and are deemed applicable to the present juncture, taking into view the negotiation in which you are about to engage.

On impressment, as to the right of the United States to be exempted from it, I have nothing new to add. The sentiments of the president have undergone no change on that important subject. This degrading practice must cease; our flag mustprotect the crew, or the United States cannot consider themselves an independent nation. To settle this difference amicably, the president is willing, as you are already informed by the former instructions, to remove all pretexts for it, to the British government, by excluding all British seamen from our vessels, and even to extend the exclusion to all British subjects, if necessary, excepting only the few already naturalized, and to stipulate likewise, the surrender of all British seamen deserting in our ports in future from British vessels, public or private. It was presumed by all dispassionate persons, that the late law of congress relative to seamen would effectually accomplish the object. But the president is willing, as you find, to prevent a possibility of failure, to go further.

Should a treaty be made, it is proper, and would have a conciliatory effect, that all our impressed seamen who may be discharged under it, should be paid for their services by the British government, for the time of their detention, the wages which they might have obtained in the merchant service of their own country.

Blockade is the subject next in point of importance, which you will have to arrange. In the instructions bearing date on the 15th of April, 1813, it was remarked, that as the British government had revoked its orders in council, and agreed that no blockade could be legal which was not supported by an adequate force, and that such adequate force should be applied to any blockade which it might thereafter institute, this cause of controversy

seemed to be removed. Further reflection, however, has added great force to the expediency and importance of a precise definition of the public law on this subject. There is much cause to presume, that if the repeal of the orders in council had taken place in time to have been known here before the declaration of war, and had had the effect of preventing the declaration, not only that no provision would have been obtained against impressment, but that under the name of blockade, the same extent of coast would have been covered by proclamation as had been covered by the orders in council. The war, which these abuses and impressment contributed so much to produce, might possibly prevent that consequence. But it would be more satisfactory, if not more safe, to guard against it by a formal definition in the treaty. It is true, should the British government violate again the legitimate principles of blockade, in whatever terms, or under whatever pretext it might be done, the United States would have in their hands a correspondent resort; but a principal object in making peace is to prevent, by the justice and reciprocity of the conditions, a recurrence again to war, for the same cause. If the British government sincerely wishes to make a durable peace with the United States, it can have no reasonable objection to a just definition of blockade, especially as the two governments have agreed in their correspondence, in all its essential features. The instructions of the 15th of April, 1813, have stated in what manner the president is willing to arrange this difference.

On the other neutral rights, enumerated in the former instructions, I shall remark only, that the catalogue is limited in a manner to evince a spirit of accommodation; that the arrangement propos-

ed in each instance is just in itself; that it corresponds with the general spirit of treaties between commercial powers, and that Great Britain has sanctioned it in many treaties, and gone beyond it in some.

On the claim to indemnity for spoliations, I have only to refer you to what was said in the former instructions. I have to add, that should a treaty be formed, it is just in itself, and would have a happy effect on the future relations of the two countries, if indemnity should be stipulated on each side, for the destruction of all unfortified towns, and other private property, contrary to the laws and usages of war. It is equally proper that the negroes taken from the southern states, should be returned to their owners, or paid for at their full value. It is known that a shameful traffic has been carried on in the West Indies, by the sale of these persons there, by those who professed to be their deliverers. Of this fact, the proof which has reached this department shall be furnished you. If these slaves are considered as non-combatants, they ought to be restored: if, as property, they ought to be paid for. The treaty of peace contains an article, which recognises this principle.

In the view which I have taken of the conditions on which you are to insist, in the proposed negotiations, you will find, on a comparison of them with those stated in the former instructions, that there is no material difference between them, the two last mentioned claims to indemnity excepted, which have originated since the date of those instructions. The principal object of this review has been to show, that the sentiments of the president, are the same in every instance, and that the reasons for maintaining them have become

more evident and strong since the date of those instructions.

In accepting the overture of the British government to treat independently of the Russian mediation, the United States have acted on principles which governed them in every transaction relating to peace since the war. Had the British government accepted the Russian mediation, the United States would have treated for themselves, independently of any other power, and had Great Britain met them on just conditions, peace would have been the immediate result. Had she refused to accede to such conditions, and attempted to dictate others, a knowledge of the views of other powers on those points might have been useful to the United States. In agreeing to treat directly with Great Britain, not only is no concession contemplated, on any point in controversy, but the same desire is cherished to preserve a good understanding with Russia, and the other Baltic powers, as if the negotiation had taken place, under the mediation of Russia

It is probable that the British government may have declined the Russian mediation, from the apprehension of an understanding between the United States and Russia, for very different purposes from those which have been contemplated, in the hope that a much better treaty might be obtained of the United States, in a direct negotiation, than could be obtained under the Russian mediation, and with a view to profit, of the concessions which might thus be made by the United States, in future negotiations with the Baltic powers. If this was the object of the British government, and it is not easy to conceive any other, it clearly proves the advantage to be derived in the proposed negotiation, from the aid of those powers, in securing

from the British government, such conditions as would be satisfactory to all parties. It would be highly honorable as well as advantageous to the United States, if the negotiation with which you are charged, should terminate in such a treaty.

I have the honor to be, &c. &c.

(Signed) JAS. MONROE.

Mr. Monroe, secretary of state, to the plenipotentiaries of the United States, at Gottenburg.

Department of state, Jan. 30, 1814.

GENTLEMEN,

In addition to the claims to indemnity, stated in your preceding instructions, I have to request your attention to the following, to which it is presumed there can be no objection.

On the declaration of war by the United States, there happened to be, in the ordinary course of commerce, several American vessels and cargoes in the ports of Great Britain, which were seized and condemned; and, in one instance, an American ship which fled from Algiers, in consequence of the declaration of war by the dey, to Gibraltar, with the American consul and some public stores on board, shared a like fate.

After the declaration of war, congress passed an act, allowing to British subjects six months, from the date of the declaration, to remove their property out of the United States, in consequence of which many vessels were removed with their cargoes. I add, with confidence, that, on a liberal construction of the spirit of the law, some vessels were permitted to depart, even after the expiration of the term specified in the law. I will endeavor to put in your possession a list of these cases. A

general reciprocal provision, however, will be best adapted to the object in view.

I have the honor to be, &c. &c. &c.

(Signed) JAS. MONROE.

From the secretary of state to the commissioners of the United States, for treating with Great Britain, dated

Department of state, Feb. 10, 1814.

GENTLEMEN,

Should you conclude a treaty and not obtain a satisfactory arrangement of neutral rights, it will be proper for you to provide that the United States shall have advantage of any stipulations more favorable to neutral nations, that may be established between Great Britain and other powers. A precedent for such a provision is found in a declaratory article between Great Britain and Russia, bearing date on the 8th October, 1801, explanatory of the 2d section, 3d article, of a convention concluded between them on the 5th of June of the same year.

I have the honor to be, &c.

(Signed) JAS. MONROE.

Extract of a letter from the secretary of state to the commissioners of the United States for treating with Great Britain, dated

Department of state, February 14, 1814.

"I received last night your letter of the 15th October, with extracts of letters from Mr. Adams and Mr. Harris, of the 22d and 23d of November.

"It appears that you had no knowledge at the date, even of the last letter, of the answer of the British government, to the offer which had been

made to it, a second time, of the Russian mediation. Hence it is to be inferred that the proposition made to this government by the Bramble was made not only without your knowledge, but without the sanction, if not without the knowledge, of the emperor. Intelligence from other sources, strengthens this inference. If this view of the conduct of the British government is well founded, the motive for it cannot be mistaken. It may fairly be presumed that it was to prevent a good understanding and concert between the United States and Russia and Sweden, on the subject of neutral rights, in the hope that by drawing the negotiation to England, and depriving you of an opportunity of free communication with those powers, a treaty less favorable to the United States might be obtained, which might afterwards be used with advantage by G. Britain in her negotiations with those powers.

By an article in the former instructions, you were authorsed in making a treaty to prevent impressment from our vessels, to stipulate, provided a certain specified term could not be agreed on, that it migh continue in force for the present war in Europe only. At that time it seemed probable that the war might last many years. Recent appearances, however, indicate the contrary. Should peace be made in Europe, as the practical evil of which we complain in regard to impressment would cease, it is presumed that the British government would have less objection to a stipulation to forbear that practice for a specified term, than it would have, should the war continue. In concluding a peace with Great Britain, even in case of a previous general peace in Europe, it is important to the United States to obtain such a stipulation."

Mr. Monroe, secretary of state, to the plenipotentiaries of the United States, at Gottenburg.

Department of state, 21st of March, 1814.

GENTLEMEN,

By the cartel Chauncey you will receive this, with duplicates of the commission to treat with Great Britain; and of the instructions and other documents that were forwarded by the John Adams. This vessel is sent to guard against any accident that might attend the other.

If a satisfactory arrangement can be concluded with Great Britain, the sooner it is accomplished the happier for both countries. If such an arrangement cannot be obtained, it is important for the United States to be acquainted with it without delay. I hope, therefore, to receive from you an account of the state of the negotiation and its prospects, as soon as you may be able to communicate any thing of an interesting nature respecting them.

I have the honor to be, &c.

(Signed) JAS. MONROE.

Mr. Monroe to the envoys extraordinary and ministers plenipotentiary of the United States.

Department of state, June 25, 1814.

GENTLEMEN,

No communication has been received from the joint mission which was appointed to meet the commissioners of the British government, at Gottenburg. A letter from Mr. Bayard, at Amsterdam, of the 18th of March, was the last from either of our commissioners. It was inferred, from that letter, and other communications, that Mr. Bayard, Mr. Gallatin, and Mr. Adams, would be in Gottenburg, —— and it has been understood, from other sources, that Mr. Clay and Mr. Russell had

arrived there about the 15th of April. It is therefore, expected, that a meeting will have taken place in May, and that we shall soon be made acquainted with your sentiments of the probable result of the negotiation.

It is impossible, with the lights which have reached us, to ascertain the present disposition of the British government towards an accommodation with the United States. We think it probable that the late events in France may have had a tendency to increase its pretensions.

At war with Great Britain, and injured by France, the United States have sustained the attitude founded on those relations. No reliance was placed on the good offices of France, in bringing the war with Great Britain to a satisfactory conclusion. Looking steadily to an honorable peace, and the ultimate attainment of justice from both powers, the president has endeavored, by a consistent and honorable policy, to take advantage of every circumstance that might promote that result. He, nevertheless, knew that France held a place in the political system of Europe and of the world, which, as a check on England, could not fail to be useful to us. What effect the late events may have had, in these respects, is the important circumstance of which you are doubtless better informed than we can be.

The president accepted the mediation of Russia, from a respect for the character of the emperor, and a belief that our cause, in all the points in controversy, would gain strength by being made known to him. On the same principle, he preferred (in accepting the British overture, to treat independently of the Russian mediation) to open the negotiation on the continent, rather than at London.

It was inferred from the general policy of Russia, and the friendly sentiments and interposition of the emperor, that a respect for both would have much influence, with the British cabinet, in promoting a pacific policy towards us. The manner, however, in which it is understood that a general pacification is taking place; the influence Great Britain may have in modifying the arrangements involved in it; the resources she may be able to employ exclusively against the United States; and the uncertainty of the precise course which Russia may pursue in relation to the war between the United States and Great Britain, naturally claim attention, and raise the important question, in reference to the subject of impressment, on which it is presumed your negotiations will essentially turn, whether your powers ought not to be enlarged, so as to enable you to give to those circumstances all the weight to which they may be entitled. On full consideration, it has been decided, that in case no stipulation can be obtained from the British government at this moment, when its pretensions may have been much heightened by recent events, and the state of Europe be most favorable to them, either relinquishing the claim to impress from American vessels, or discontinuing the practice, even in consideration of the proposed exclusion from them of British seamen, you may concur in an article, stipulating, that the subject of impressment, together with that of commerce between the two countries, be referred to a separate negotiation, to be undertaken without delay, at such place as you may be able to agree on, preferring this city, if to be obtained. I annex, at the close of this letter, a project of an article, expressing, more distinctly, the idea which it is intended to communicate, not meaning thereby to

restrain you in any respect as to the form. Commerce and seamen, the objects of impressment, may, with great propriety, be arranged in the same instrument. By stipulating that commissioners shall forthwith be appointed for the purpose, and that all rights on this subject shall, in the mean time, be reserved, the faith of the British government will be pledged to a fair experiment in an amicable mode, and the honor and rights of the United States secured. The United States having resisted, by war, the practice of impressment, and continued the war until that practice had ceased, by a peace in Europe, their object has been essentially obtained for the present. It may reasonably be expected, that the arrangement contemplated and provided for, will take effect before a new war in Europe shall furnish an occasion for reviving the practice. Should this arrangement, however, fail, and the practice be again revived, the United States will be again at liberty to repel it by war; and that they will do so cannot be doubted: for after the proof which they have already given of a firm resistance, in that mode, persevered in until the practice had ceased, under circumstances the most unfavorable, it cannot be presumed that the practice will ever be tolerated again. Certain it is, that every day will render it more ineligible in Great Britain to make the attempt.

In contemplating the appointment of commissioners, to be made after the ratification of the present treaty, to negotiate and conclude a treaty to regulate commerce and provide against impressment, it is meant only to show the extent to which you may go, in a spirit of accommodation, if necessary. Should the British government be willing to take the subject up immediately with you, it would be much preferred, in which case the pro-

posed article would, of course, be adapted to the purpose.

Information has been received from a quarter deserving attention, that the late events in France have produced such an effect on the British government, as to make it probable that a demand will be made at Gottenburg, to surrender our right to the fisheries, to abandon all trade beyond the Cape of Good Hope, and to cede Louisiana to Spain. We cannot believe that such a demand will be made; should it be, you will of course treat it as it deserves. These rights must not be brought into discussion. If insisted on, your negotiations will cease.

I have the honor to be,
With great respect, gentlemen,
Your most obedient servant,
(Signed) JAMES MONROE.

"Whereas by the peace in Europe, the essential causes of the war between the United States and Great Britain, and particularly the practice of impressment, have ceased, and a sincere desire exists to arrange, in a manner satisfactory to both parties, all questions concerning seamen; and it is also their desire and intention to arrange, in a like satisfactory manner, the commerce between the two countries, it is therefore agreed, that commissioners shall forthwith be appointed on each side, to meet at ——— with full power to negotiate and conclude a treaty, as soon as it may be practicable, for the arrangement of those important interests. It is nevertheless understood, that until such treaty be formed, each party shall retain all its rights, and that all American citizens who have been impressed into the British service shall be forthwith discharged."

Extract of a letter from the secretary of state to the commissioners of the United States for treating of peace with Great Britain, dated

Department of state, June 27, 1814.

"The omission to send ministers to Gottenburg without a previous and official notification of the appointment and arrival there of those of the United States, a formality, which, if due from either party, might have been expected from that making the overture, rather than that accepting it, is a proof of a dilatory policy, and would, in other respects justify animadversions, if there was less disposition here to overlook circumstances of form, when interfering with more substantial objects.

"By my letter of the 25th inst. which goes with this, you will find that the subject had already been acted on under similar impressions with those which Mr. Bayard and Mr Gallatin's letter could not fail to produce. The view, however, presented by them is much stronger, and entitled to much greater attention. The president has taken the subject into consideration again, and given to their suggestions all the weight to which they are justly entitled.

"On mature consideration it has been decided, that under all the circumstances above alluded to, incident to a prosecution of the war, you may omit any stipulation on the subject of impressment, if found indispensably necessary to terminate it. You will, of course, not recur to this expedient until all your efforts to adjust the controversy in a more satisfactory manner have failed. As it is not the intention of the United States, in suffering the treaty to be silent on the subject of impressment, to admit the British claim thereon, or to relinquish that of the United States, it is highly

important that any such inference be entirely precluded, by a declaration or protest in some form or other, that the omission is not to have any such effect or tendency. Any modification of the practice, to prevent abuses, being an acknowledgment of the right in Great Britain, is utterly inadmissible.

"Although Gottenburg was contemplated at the time your commission was made out, as the seat of the negotiation, yet your commission itself does not confine you to it. You are at liberty, therefore, to transfer the negotiation to any other place made more eligible by a change of circumstances. Amsterdam and the Hague readily present themselves as preferable to any place in England. If, however, you should be of opinion, that under all circumstances, the negotiation in that country will be attended with advantages, outweighing the objections to it, you are at liberty to transfer it there."

Extract of a letter from the secretary of state, to the commissioners of the United States, for treating of peace with Great Britain, dated

Department of state, Aug. 11, 1814.

"I had the honor to receive on the third of this month a letter from Mr. Bayard and Mr. Gallatin, of the 23d of May, and one from Mr. Gallatin, of the 2d of June.

"The president approves the arrangement communicated by those gentlemen for transferring the negotiation with the British government from Gottenburg, to Ghent. It is presumed from Mr. Gallatin's letter that the meeting took place towards the latter end of June, and that we shall soon hear from you what will be its probable result.

"By my letters of the 25th and 27th June, of which another copy is now forwarded, the sentiments of the president, as to the conditions, on which it will be proper for you to conclude a treaty of peace, are made known to you. It is presumed that either in the mode suggested in my letter of the 25th June, which is much preferred, or by permitting the treaty to be silent on the subject, as is authorised in the letter of the 27th June, the question of impressment may be so disposed of, as to form no obstacle to a pacification. This government can go no further, because it will make no sacrifice of the rights or honor of the nation.

"If Great Britain does not terminate the war on the conditions which you are authorised to adopt, she has other objects in it than those for which she has hitherto professed to contend That such are entertained, there is much reason to presume. These, whatever they may be, must and will be resisted by the United States. The conflict may be severe, but it will be borne with firmness, and as we confidently believe, be attended with success."

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